

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

THE RICHARD AND SHEILA J. McKNIGHT
2000 FAMILY TRUST, Richard McKnight
Trustee,

Plaintiff,

vs.

WILLIAM J. BARKETT, an individual;
CASTAIC PARTNERS II, LLC,

Defendants.

THOMAS J. KAPP AND CYNTHIA S. ROHER,
TRUSTEES OF THE T. & C. KAPP FAMILY
TRUST,

Intervenor Plaintiff,

vs.

WILLIAM J. BARKETT, an individual;
CASTAIC PARTNERS II, LLC,

Intervenor Defendants.

Case No. 2:10-cv-01617-RCJ-GWF

FINDINGS & RECOMMENDATION

This matter is before the Court on the Order to Show Cause (#204), filed November 5, 2012, wherein this Court ordered Defendants William J. Barkett, Castaic Partners, LLC, Castaic Partners II, LLC and Castaic Partners III, LLC to show cause, in writing, no later than November 15, 2012, why sanctions should not be imposed for their failure to comply with this Court's prior order (#196) to retain local counsel. To date, Defendants William J. Barkett, Castaic Partners, LLC, Castaic Partners II, LLC and Castaic Partners III, LLC have failed to comply. Accordingly,

RECOMMENDATION

IT IS RECOMMENDED by the undersigned United States Magistrate Judge that the Answers

1 of Defendants William J. Barkett, Castaic Partners, LLC, Castaic Partners II, LLC and Castaic Partners
2 III, LLC should be **stricken** and their default entered based on Defendants' failure to comply with this
3 Court's Order to obtain local counsel.

4 **NOTICE**

5 Pursuant to Local Rule IB 3-2, any objection to this Finding and Recommendation must be in
6 writing and filed with the Clerk of the Court within fourteen (14) days. The Supreme Court has held
7 that the courts of appeal may determine that an appeal has been waived due to the failure to file
8 objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also
9 held that (1) failure to file objections within the specified time and (2) failure to properly address and
10 brief the objectionable issues waives the right to appeal the District Court's order and/or appeal factual
11 issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt*
12 *v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

13 DATED this 19th day of November, 2012.

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16 GEORGE FOLEY, JR.
17 United States Magistrate Judge
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